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In re Application of :
Hammer et al. :
Application No.: 10/797,270 :
Filing Date: March 10, 2004 :
Attorney Docket No.: 045600/275110 :

OFFICE OF PETITIONS

ON PETITION

This decision concerns the June 14, 2004 "Petition to Grant Filing Date and to Refund Petition Fee" which is being properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

The petition requests an earlier filing date of March 10, 2004 rather than the presently accorded filing date of March 11, 2004, on the basis that the application was deposited on March 10, 2004 in the U.S. Postal Service (USPS) "Express Mail Post Office to Addressee" service ("Express Mail") pursuant to the requirements of 37 CFR 1.10.

The petition is accompanied by a copy of the "Express Mail" mailing label bearing the number "EV185285533US" and containing a USPS date-stamp of March 10, 2004. The same mailing label number appears on the application transmittal which itemizes the application papers being mailed on March 10, 2004. In addition, the Office has verified through the USPS web site that the package mailed under this label had been accepted by the USPS on March 10, 2004 at 5:30 pm. The petition is thus granted.

No petition fee is owed. The \$130 payment accompanying the petition was apparently refunded on July 1, 2004. If counsel has not received this refund, a request for refund should be mailed along with a copy of this decision to: Mail Stop 16 (Refunds), Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

The application file is being forwarded to the Office of Initial Patent Examination for correcting the filing date to March 10, 2004, and for mailing a corrected filing receipt reflecting that filing date.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions